

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BENJAMIN KUNZE, *et. al.*,

Plaintiffs,

v.

BAYLOR SCOTT & WHITE HEALTH, *et. al.*,

Defendants.

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Civil Action No. 3:20-cv-01276-N

**NOTICE OF DEFENDANTS' INTENTION TO WITHDRAW THEIR MOTION FOR
CLARIFICATION AND STIPULATION BETWEEN THE PARTIES**

Defendants Baylor Scott and White Health ("BSWH") and HealthTexas Provider Network ("HealthTexas") provide notice of their intention to withdraw their Motion for Clarification of the Class Scope [Dkt. 25].

Further, Plaintiffs, individually and on behalf of themselves and those similarly situated, and Defendants also request the Court approve this Joint Stipulation Regarding the Scope of the Conditionally Certified Class:

1. In the interest of judicial economy and by agreement of the parties, the Parties agree that the scope of the defined class, as stated in the Court's December 14, 2020 Order [Dkt. 23], includes the Advance Practice Providers employed by HealthTexas since April 6, 2017, whom Plaintiffs contend are jointly employed by BSWH (approximately 374 individuals), and does not extend to APPs employed by affiliates of Defendants, which are hospitals in BSWH's North Texas Division and Central Texas Division and physician-governed practice groups in Central Texas.

2. Nothing in this Stipulation shall be interpreted as limiting, waiving, or

modifying any of the Parties' claims and/or defenses. This Stipulation is not an admission as to any underlying substantive issue in this controversy. Defendants further deny that the Named Plaintiffs and the putative collection action members are "similarly situated" under 29 U.S.C. § 216(b) and that this case is appropriate for collective action treatment. Defendants are not waiving their right to later move for decertification of the class. Likewise, Plaintiffs are not waiving their right to explore in post-notice discovery whether there are additional similarly situated persons who should subsequently receive notice.

For these reasons, Plaintiffs, on behalf of themselves and those similarly situated, and Defendants Baylor Scott and White Health ("BSWH") and HealthTexas Provider Network respectfully request the Court's approval of this stipulation and withdrawal of Defendants' Motion for Clarification.

Dated: January 15, 2021

Respectfully submitted,

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Health and HealthTexas Provider Network***

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, this pleading was served on opposing counsel on January 15, 2021

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